

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT
September 1, 2009
Elisabeth A. Shumaker
Clerk of Court

OXY USA, INC.,

Petitioner,

v.

DAVID SCHELL; DONNA SCHELL;
HOWARD PICKENS; RON OLIVER,
individually and as representative
parties on behalf of a class of surface
owners,

Respondents.

No. 09-600
(D.C. No. 07-CV-1258-JTM)
(D of Kansas)

ORDER

Before **TACHA, KELLY** and **BRISCOE**, Circuit Judges.

This matter is before the court on the Petition of OXY USA Inc. for Permission to Appeal Order Granting Class Certification, filed pursuant to Federal Rule of Civil Procedure 23(f) and Federal Rule of Appellate Procedure 5(a). The plaintiffs filed a response in opposition.

Upon careful consideration of the pleadings, as well as the applicable law,

the petition for permission to appeal is denied. Petitioner's request for oral argument is also denied.

Entered for the Court,
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Lara Smith". The signature is fluid and cursive, with the first name "Lara" written in a larger, more prominent script than the last name "Smith".

by: Lara Smith
Counsel to the Clerk